

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE LEE COLE, JR.,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

No. 1:25-cv-00272 GSA (PC)

ORDER DISREGARDING PLAINTIFF'S
APPLICATIONS TO PROCEED IN FORMA
PAUPERIS AS MOOT

(ECF Nos. 2, 15)

ORDER VACATING ORDER DIRECTING
PLAINTIFF EITHER TO SUBMIT A
PRISONER IN FORMA PAUPERIS
APPLICATION OR TO PAY THE FILING
FEE IN FULL

(ECF No. 13)

ORDER DIRECTING PLAINTIFF TO FILE A
NON-PRISONER IN FORMA PAUPERIS
APPLICATION OR PAY THE FILING FEE
IN FULL

PLAINTIFF'S NON-PRISONER IN FORMA
PAUPERIS APPLICATION OR FILING FEE
DUE IN FOURTEEN DAYS

Plaintiff, a former state prisoner¹ proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United

¹ On April 2, 2025, a notice of change of address filed by Plaintiff was docketed. ECF No. 19. In it, the new address Plaintiff provides appears to be a residential one indicating that Plaintiff has likely been released from custody.

1 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

2 Before this Court are Plaintiff's two pending applications to proceed in forma pauperis.
3 See ECF Nos. 2, 15. The motions were filed while Plaintiff was incarcerated. See ECF No. 2 at
4 1; see also ECF No. 15 at 1 (cover pages indicating prisons in which Plaintiff was incarcerated).

5 For the reasons stated below, the Court will disregard the in forma pauperis applications
6 as moot, and will vacate its March 6, 2025, order which directed Plaintiff either to file a signed
7 prisoner in forma pauperis application or to pay the filing fee in full. In addition, Plaintiff will be
8 ordered either to complete and file a non-prisoner in forma pauperis application or to pay the
9 filing fee in full. Plaintiff will be given fourteen days to take either course of action.

10 I. RELEVANT FACTS

11 On January 27, 2025, Plaintiff's complaint and his application to proceed in forma
12 pauperis were docketed in the Central District of California. ECF Nos. 1, 2. The same day,
13 Plaintiff was informed by the Court that his application to proceed in forma pauperis had not been
14 signed. ECF No. 3. On March 4, 2025, the matter was transferred to this District. ECF Nos. 10.
15 11. As a result, the deficient in forma pauperis application was never addressed.

16 On March 6, 2025, the undersigned ordered Plaintiff either to file a prisoner application to
17 proceed in forma pauperis or to pay the filing fee in full. See ECF No. 13. Plaintiff was given
18 thirty days to take either course of action. Id. at 1. Currently, there remain a few days for
19 Plaintiff to comply with that order. On March 31, 2025, a prisoner in forma pauperis application
20 filed by Plaintiff was docketed. ECF No. 15.

21 On April 2, 2025, Plaintiff filed a notice of change of address with the Court. ECF No.
22 19. Plaintiff's new address appears to be a residential one, indicating that he is no longer
23 incarcerated. See id.

24 II. DISCUSSION

25 Since the filing of Plaintiff's two in forma pauperis applications for a prisoner, he has
26 been released from prison. See ECF No. 19 (change of address notice indicating residential
27 address). As a result, the two in forma pauperis applications are moot, and they will be
28 disregarded as such.

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2 In addition, the order issued March 6, 2025, which directs Plaintiff either to file a prisoner in
3 forma pauperis application or pay the filing fee in full will be vacated.

4 Plaintiff will instead be sent a copy of the Court's in forma pauperis application for a non-
5 prisoner, and he will be given the opportunity either to file the non-prisoner in forma pauperis
6 application with the Court or to pay the filing fee in full. Plaintiff will be given fourteen days to
7 take either course of action.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The Clerk of Court is directed to send Plaintiff a copy of the Court's non-prisoner
10 application to proceed in forma pauperis;

11 2. Within fourteen days from the date of this order, Plaintiff shall either COMPLETE
12 and FILE the non-prisoner in forma pauperis application or PAY the filing fee in full;

13 3. The Court's March 6, 2025, order which directed Plaintiff either to file a prisoner in
14 forma pauperis application or to pay the filing fee in full (ECF No. 13), is VACATED, and

15 4. Plaintiff's applications to proceed in forma pauperis in this case (see ECF Nos. 2, 15)
16 are DISREGARDED as MOOT.

17 **Plaintiff is cautioned that failure to comply with this order within the time allotted**
18 **may result in a recommendation that this matter be dismissed.**

19
20 IT IS SO ORDERED.

21
22 Dated: April 2, 2025

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE